

APPLICATION FOR HAZARDOUS MATERIAL PERMIT

GEORGIA DEPARTMENT OF MOTOR VEHICLE SAFETY
1200 Tradeport Blvd.
Hapeville, Georgia
P.O. Box 161227
Atlanta, Georgia 30321
Phone: (404) 675-6171
Fax: (404) 675-6196

NOTE: Certified Checks, Cashiers
Checks or Money Orders Only
***Permits \$100.00 each**

Pursuant to Chapter 9 of the Commission's Transportation Rules and Regulations application is hereby made for special permit for vehicles(s), or combination of vehicles, and load(s) as follows:

Any individual or company submitting an application for an annual "Hazardous Material " permit shall include, as an attachment to the application, an Emergency Action Plan which shall include as a minimum, the following: phone number and name of the person and an alternate in the organization who is the primary contact for information, or action, with regard to any movement or emergency situation, (answering machine or recording not acceptable); an estimate of the number of trips and types and quantities of hazardous materials to be transported per trip on the permit issued; general information as to the origins, destinations, and route which would be preferred for the travel; a history of actual movements for the preceding three month period; and name of insurer and policy number.

Number of Annual Permits Ordered_____ **Fee Enclosed \$**_____

Name of Individual or Company: _____

Mailing Address: _____ **City:** _____ **State:** _____ **Zip:** _____

Physical Address: _____ **City:** _____ **State:** _____ **Zip:** _____

Telephone: _____

Description of Commodity(s) Transported: _____

I _____, (Title if for company) _____,
do solemnly swear that I have read the foregoing application and all statements and data contained herein are true and correct, and that I understand all provisions and requirements to obtain permits. I further understand that if any part of the permit is violated, the entire permit becomes void.

Subscribed and sworn to before me,
This _____ **day of** _____, **20**_____.

Notary Public



Georgia Department of Motor Vehicle Safety

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TO ALL MOTOR CARRIERS IN GEORGIA ENGAGED IN THE TRANSPORTATION OF RADIOACTIVE MATERIALS, LIQUEFIED NATURAL GAS (LNG), AND POLYCHLORINATED BIPHENYLS (PCB)

The Georgia Department of Motor Vehicle Safety has the responsibility for certain regulations governing the transportation in Georgia of radioactive materials, liquefied natural gas (LNG), and polychlorinated biphenyl (PCB). A copy of the rules and regulations covering the transportation of these commodities and the procedures for permits and advance notifications are enclosed. Any reference to the Georgia Public Service Commission in the enclosed rules shall now mean the Georgia Department of Motor Vehicle Safety at the above address.

Also enclosed is a copy of our permit application, which may be reproduced. Please note that the Department will accept only money orders, certified or cashier's check for payment payable to the Georgia Department of Motor Vehicle Safety. No company or personal checks will be accepted unless prior arrangements have been made.

Permits must be carried in the vehicle or combination of vehicles to which it refers. Permits shall be open to inspection by any law enforcement officer or employee of the Department who has enforcement authority from the Department. Photocopies of permits are not permitted.

If you have any questions regarding these procedures, please call the Motor Carrier Safety Assistance Program at (678)413-8575.

Thank you
Georgia Department of Motor Vehicle Safety
Commercial Vehicle Section

**TRANSPORTATION RULES
OF
GEORGIA PUBLIC SERVICE COMMISSION**

**CHAPTER 9: HAZARDOUS MATERIAL TRANSPORTATION REQUIRING
SPECIAL PERMITS AND/OR LETTERS OF INTENT**

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9-1.1 Applicability.

The rules in this chapter apply to the transportation of certain hazardous materials within or through the State of Georgia, and to all persons who transport, ship, or offer such materials for transportation.

9-1.3 Penalties.

(a) *Criminal penalty.* In addition to any other penalty imposed by law, violations of any provision of this chapter shall constitute a misdemeanor, pursuant to O.C.G.A. §46-2-93 and §46-11-4.

(b) *Civil penalty.* In addition to any other penalty imposed by law, violations of this chapter shall be subject to the provisions of O.C.G.A. §46-2-91 and §46-11-4.

9-1.5 Definitions.

In this chapter, the term—

Act means the Transportation of Hazardous Materials Act, Act 394, Georgia Laws of 1985, as codified at O.C.G.A. Title 46, Chapter 11.

Carrier means any person engaged in the transportation of liquefied natural gas (LNG), polychlorinated biphenyl (PCB), and radioactive materials.

Code of Federal Regulations means the United States Code of Federal Regulations, and as they may be amended from time to time in the Federal Register.

Department of Natural Resources means the Georgia Department of Natural Resources.

Exclusive Use Vehicle means a vehicle designed or used exclusively for transporting hazardous materials, or any vehicle, which due to requirements based on the nature of a particular commodity being transported, is restricted to transporting only that commodity in the shipment.

Hazardous Materials means radioactive materials, liquefied natural gas (LNG), and polychlorinated biphenyl (PCB).

Liquefied natural gas or LNG means natural gases with high methane content shipped and packaged as a cryogenic (refrigerated) liquid, listed as “methane, refrigerated liquid” or “natural gas, refrigerated liquid” in Title 49 CFR §172.101.

Nuclear Regulatory Commission means the United States Nuclear Regulatory Commission.

Person means any individual, corporation, partnership, association, state, municipality, political subdivision of a state, any agency or instrumentality of the United States government or any other entity, and includes any officer, agent, or employee of any of the above.

Polychlorinated biphenyl or PCB means the same material listed and described in Title 49 CFR §172.101 and its appendices.

Radioactive (Class 7) material means the same as the term used in Title 49 CFR §173.403.

Shipment means the material carried on any single transport vehicle or single combination (articulated) vehicle.

Shipper means any person who arranges for, provides for, solicits a carrier for, consigns to a carrier for, or contracts with a carrier for shipment or transport of goods or property. The terms “shipper” and “offeror” are synonymous.

Title 10 CFR or 10 CFR means Title 10 of the United States Code of Federal Regulations, and as it may be amended from time to time in the Federal Register.

Title 49 CFR or 49 CFR means Title 49 of the United States Code of Federal Regulations, and as it may be amended from time to time in the Federal Register.

9-2.1 Permit Exceptions, Requirements, Restrictions, and Letters of Intent.

(a) *Exceptions.* Neither permits nor letters of intent shall be required for the following:

(1) Empty packagings that meet the requirements and limitations of Title 49 CFR §173.428;

(2) Limited quantities of radioactive materials that meet the requirements and limitations of Title 49 CFR §§173.421, 173.422, 173.423, 173.424, 173.425, and 173.426, as applicable;

(3) Weaponry or other classified commodities when being moved on government owned vehicles by the U.S. Department of Energy or U.S. Department of Defense, when under direction and escorted by personnel of or under the authority of those agencies; or,

(4) Non-bulk packagings of liquefied natural gas.

(b) *Permit requirements.* Permits are required for:

(1) Each bulk shipment of liquefied natural gas (LNG);

(2) Each shipment of polychlorinated biphenyl (PCB); and/or

(3) Each shipment of radioactive materials which:

(i) is required to be transported on an exclusive use vehicle;

(ii) are spent (used) fuels;

(iii) have a Transportation Index (TI) in excess of 50;

(iv) is a Highway Route Controlled Quantity, as defined in 49 CFR §173.403;

(v) are more than 5,000 curies of any “Special Form” material; or,

(vi) any material for which notification to a Governor or designee is required pursuant to Title 10 CFR.

(c) *Permit restrictions.* (1) No trip permit shall be issued authorizing in excess of five (5) travel days (in Georgia) for the movement specified.

(d) *Letters of intent.* Letters of intent are required for all carriers of radioactive materials not requiring a permit as specified in paragraph (b) above. Such carriers shall initially, and annually thereafter, declare in writing to the Georgia Public Service Commission its intent to

transport, or continue to transport, radioactive materials within or through the State, furnishing the following information:

- (1) Name and address of the carrier;
- (2) Name(s), address, and telephone number(s) of the individual(s) in charge of and responsible for the movement;
- (3) The number of packages, all nuclides, and approximate total activities (in appropriate S.I. units) of all radioactive materials to be transported in Georgia, and the estimated number of trips to be conducted during the period;
- (4) Annual report showing the actual number of packages, all nuclides, and approximate total activities (in appropriate S.I. units) of all radioactive materials transported during the preceding year in or through Georgia.
- (5) A legible copy of the current letter of intent, stamped receipt acknowledged, must be carried in the vehicle when transporting radioactive materials in Georgia, and displayed immediately upon demand of any Commission representative.

9-2.2 General Conditions.

(a) *General.* In addition to any specific requirements set forth in the Act or these Rules, all hazardous materials shall be packaged, marked, labeled, handled, loaded, unloaded, stored, detained, transported, placarded, and monitored in compliance with Title 49 CFR.

(b) *Federal and state laws and regulations.* Compliance shall be maintained with applicable laws and regulations of the United States and the State of Georgia including, but not limited to, those of the U.S. Department of Transportation, Georgia Public Service Commission, Georgia Department of Natural Resources, Georgia Department of Revenue, Georgia Department of Transportation, and their successor agencies, and Title 46 O.C.G.A.

(c) *Route of travel.* Routing shall comply with 49 CFR Part 397 Subparts C and D, as applicable.

(d) *Atlanta restrictions.* No permit shall be valid for travel into or through the area bounded by Interstate 285 (the bypass around the City of Atlanta) unless the vehicle is making a pickup or delivery within this area. The driver in instances of this kind must be able to show proof of such pickup or delivery.

(e) *Non-transfer of Trip Permit.* No person may use a trip permit for any vehicle which is not owned or leased by such person. In addition, the trip permit shall be carried in the vehicle to which it refers.

(f) *Original annual permit to be carried.* Where annual permit is obtained, original of the annual permit must be carried in vehicle.

(g) *Liability insurance and other security.* Public Liability and Property Damage insurance shall be maintained during the existence of a permit in at least the minimum amounts required by the Federal Department of Transportation for motor carriers transporting hazardous materials. The carrier requesting a permit shall furnish along with its application a certificate of insurance showing the name of the insurance carrier, the policy number, the amounts of coverage, and the effective dates of the coverage. Carrier will take whatever action necessary to ensure that its insurance carrier furnishes the Commission notice of any changes in its insurance coverage at least thirty (30) days prior to the effective date.

Where changes in insurance coverage are made and the carrier fails to notify the Commission of such changes or fails to furnish the Commission evidence of new insurance coverage prior to date of cancellation, carrier's permit is canceled on date of insurance

cancellation and any movement subsequent to such cancellation date will be considered in violation of the laws of Georgia and the rules and regulations of the Commission.

(h) *Damages*. Nothing contained herein shall be construed so as to make the Commission responsible or liable for any damage caused by vehicle permitted to transport hazardous materials. The person receiving the permit certifies to hold the Commission harmless from all claims and to recompense the Commission, the Department of Transportation, or any political subdivision for any expenditures made to repair damages caused by the permitted vehicle or the commodity being transported.

(i) *Cost Recovery*. In the event of any incident involving hazardous materials, covered by these rules, regardless of type, quantity, or form, in transport or in storage in this State which causes, or threatens to cause a hazardous materials discharge, or undue radiation, or any other type exposure to any individual, the State may recover from any shipper, carrier, or any other responsible person, the costs incurred by the State for activities related to the prevention, abatement, and mitigation of the consequences of such an incident.

(j) *Oversize and overweight conditions*. The provisions of these rules in no way exempt the movements of hazardous materials covered by these rules from the requirements for securing oversize and overweight permits when applicable from the Georgia Department of Transportation.

(k) *Records*. Any shipper or carrier of hazardous materials shall make its records and any supporting documentation concerning such shipments available to the Commission for inspection immediately upon request.

(l) *Limitations*. For just cause, including, but not limited to, repeated and consistent past violations, the Commission may refuse to issue, or may cancel, suspend, or revoke the permit of an applicant or permittee.

9-2.3 Notification.

(a) *Prior Notification*. For shipments of radioactive material for which pre-notification of a Governor or designee is required by Title 10 CFR, such notification shall be made to the Director, Transportation Division, Georgia Public Service Commission, 1007 Virginia Avenue, Suite 310, Hapeville, Georgia, 30354-1325. No prior notification shall be required for any other type of hazardous materials.

(b) *Radioactive materials*. For shipments of radioactive materials which the carrier desires escort pursuant to the physical security requirements of Title 10 CFR, the carrier must contact the Enforcement Division at 404-559-6627 during normal business hours at least seven days in advance of such shipment. The Commission is under no obligation to provide escort or other physical protection, and assumes no liability and makes no guarantee of a particular degree of protection or safety.

(c) *Incident notification*. If at anytime an incident or accident occurs, the driver or carrier shall immediately contact the Commission, and give all facts available concerning the nature of the occurrence, including time and location. Notification may be made directly to the Commission, or to the State Emergency Spill Number at 1-800-241-4113 and asking that the Commission be notified of the incident.

9-2.4 Letters of Intent, Applications, and Permit Fees.**(a) Letters of Intent.**

(1) Letters of Intent to move hazardous materials as defined in 9-2-1.1(d) shall be addressed to the Georgia Public Service Commission, Transportation Division, Suite 310, 1007 Virginia Avenue, Hapeville, Georgia 30354.

(2) No fee is required for the submittal of, or subsequent movement(s) made of hazardous material(s) as described under a letter of intent.

(b) Permits.

(1) Applications for permits and permit fees shall be addressed to the Georgia Public Service Commission, Transportation Division, Suite 310, 1007 Virginia Avenue, Hapeville, Georgia 30354.

(2) *Permit Fees.* The fees for hazardous materials permits shall be \$100.00 for annual permits, and \$25.00 for a single trip permit. Such fee shall accompany the permit application, and may be made by money order, certified check or cashier's check. Checks and money orders shall be made payable to the Georgia Public Service Commission.

(c) Permit Procedures.

(1) *Single trip permit.* An application for a single trip permit may be made by telephone, by letter, or in person, giving the applicable information required, including the name of the person(s) in the organization who is the primary contact for information or action with regard to any movement or emergency situation. The permit fee shall be transmitted to the Georgia Public Service Commission prior to the issuance of the permit. The Georgia Public Service Commission, as requested in the application, may use any of the following methods to transmit a single trip permit to the applicant:

- (i) Facsimile transmission;
- (ii) Mail; or,
- (iii) Presentation in person.

(2) *Annual Permit.* An application for an annual permit shall be made in writing on the application form prescribed by the Commission. The executed application shall be signed and notarized. Upon approval of the application and payment of the prescribed fee, the Commission shall transmit the permit by mail or present it to the applicant in person, if requested by the applicant. Any person submitting an application for a Hazardous Materials permit shall include as an attachment to the application, an Emergency Action Plan which shall include as a minimum, the phone number and make of the person and alternate in their organization who is the primary contact for information or action with regard to any movement or emergency situation; an estimate of the number of trips and types and quantities of hazardous materials to be transported per trip; general information as to the origins, destinations, and a history of actual movements for the preceding three month period.

9-2.5 Emergencies.

(a) In case of a bona fide emergency (such as an accident or spill), where the transportation of any hazardous material required by this chapter to have a permit or letter of intent must take place to immediately protect life, health or property, such transportation may take place without the required permit or letter of intent subject to the provisions of this section. Economic hardship or failure to obtain a permit in a timely manner prior to routine transportation shall not be considered bona fide emergencies.

(b) In emergency situations, shippers and carriers shall comply with all other applicable safety practices and regulations.

(c) As soon as possible after the emergency movement, but within one business day, the carrier shall obtain a permit or submit a letter of intent as required by this chapter.

(d) The applicant for a post-emergency movement permit or letter of intent shall submit supporting documents as follows:

(1) Copy of the shipping papers and/or hazardous waste manifest used for the movement;

(2) Any incident reports that are available, including police, fire and insurance company reports;

(3) Incident number issued by the National Response Center, if applicable;

(4) Name and complete addresses of any agency, contractor, or other person who performed any clean-up or remediation; and

(5) A notarized letter explaining the need for the emergency movement, declaring that the movement was necessary to protect life, health or property, and the following declaration: "I hereby certify, under penalty of perjury, that the statements herein are to the best of my knowledge, true and correct."